

ENTERED

February 03, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DAVID TYRONE THOMAS,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 2:20-CV-12

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 44). The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* U.S.C. § 636(b)(1); FED R. CIV. P. 72(b); General Order No. 2002-13. Petitioner filed objections to the M&R. (D.E. 46). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which Petitioner's objections were directed, 28 U.S.C. § 636(b)(1), the court **OVERRULES** Petitioner's objections. (D.E. 46). Accordingly, the Court:

- (1) **ADOPTS** the M&R in its entirety. (D.E. 44).
- (2) Respondent's construed motion for summary judgment is **GRANTED**. (D.E. 40).
- (3) Petitioner's § 2254 petition for writ of habeas corpus is **DISMISSED with prejudice** as untimely. (D.E. 1; D.E. 33).
- (4) A certificate of appealability is **DENIED**. *See* 28 U.S.C. § 2253(c).

SO ORDERED.


 DAVID S. MORALES
 UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
 February 2d, 2021